

2024:PHHC:053911
**133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-466-2020(O&M)

Date of decision: 22.04.2024

Bhupinder Singh

....Petitioner

Versus

Raghubir Singh (deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pritam S Saini, Advocate for the petitioner

Mr.R.K.Saini, Advocate for respondent no.1 (ii)

Mr. Kanav Singla, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. In this revision petition, the petitioner challenges the correctness of the order passed by the civil court issuing directions to the police authorities to register the case and investigate while dismissing their suit which in appeal has been upheld by the First Appellate Court. Both the courts have come up to a conclusion that an attempt has been made to play fraud. Criminal case was also directed to be registered against the Advocate, who has filed the written statement on behalf of defendant no.1.

2. Learned counsel representing the petitioner submits that the sale deed in question has already been registered by the defendant in favour of the petitioner and he does not have any grievance for dismissal of his suit for the specific performance. However, he submits that the court has erred in recording that an attempt to play fraud has been made, without recording any finding.

3. During the course of hearing, it has been disclosed that on completion of the investigation, final report was submitted in the court of Chief Judicial Magistrate, who is proceeding with the trial of the case.

4. Keeping in view the aforesaid facts, it would not be appropriate to set aside the concurrent orders passed by the courts below. However, this revision petition is disposed of with the observation that the court shall proceed to decide the case independently, without being influenced by the observations made in the impugned order.

5. All the pending miscellaneous applications, if any, are also disposed of.

22.04.2024

rekha

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No